

Jon Niermann., *Chairman*
Emily Lindley, *Commissioner*
Bobby Janecka, *Commissioner*
Toby Baker, *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

NOTICE OF PUBLIC HEARING ON PROPOSED REVISIONS TO 30 TAC CHAPTERS 39, 281, 295, 297, AND 331

The Texas Commission on Environmental Quality (commission) will conduct a public hearing to receive testimony regarding proposed revisions to 30 Texas Administrative Code (TAC) Chapter 39, Public Notice, §39.651; Chapter 281, Applications Processing; §281.19; Chapter 295, Water Rights, Procedural, §295.158; Chapter 297, Water Rights, Substantive, §297.1 and §§297.41 – 297.43; Chapter 331, Underground Injection Control, §§331.2, 331.7, 331.9, and 331.131; and new §§331.262 - 331.267 under the requirements of Texas Government Code, Chapter 2001, Subchapter B.

The proposed rulemaking would implement House Bills 720 and 1964, 86th Texas Legislature, 2019. The rulemaking would amend existing requirements for underground injection control program public notice to include aquifer recharge (AR) projects; amend existing definitions, authorization mechanisms, standards, and requirements to include new standards for AR projects; and add new Chapter 331, Subchapter O to implement Texas Water Code (TWC), Chapter 27, Subchapter H. The proposed rulemaking would also amend existing requirements for water right applications related to technical review and public notice; add and revise definitions; define availability criteria for various types of AR and aquifer storage and recovery projects; and implement the provisions of TWC, §§11.023, 11.122(b-3), 11.157, and 11.158. The proposed rulemaking would also remove obsolete text in §39.651(e) as a result of the Quadrennial Review of Chapter 39.

The commission will hold a public hearing on this proposal in Austin on January 7, 2020, at 10:00 a.m. in Building E, Room 201S, at the commission's central office located at 12100 Park 35 Circle. The hearing is structured for the receipt of oral or written comments by interested persons. Individuals may present oral statements when called upon in order of registration. Open discussion will not be permitted during the hearing; however, commission staff members will be available to discuss the proposal 30 minutes prior to the hearing.

Persons who have special communication or other accommodation needs who are planning to attend the hearing should contact Sandy Wong, Office of Legal Services at (512) 239-1802 or 1-800-RELAY-TX (TDD). Requests should be made as far in advance as possible.

Written comments may be submitted to Andreea Vasile, MC 205, Office of Legal Services, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas

78711-3087, or faxed to (512) 239-4808. Electronic comments may be submitted at: <https://www6.tceq.texas.gov/rules/ecomments/>. File size restrictions may apply to comments being submitted via the *eComments* system. All comments should reference Rule Project Number 2019-116-297-OW. The comment period closes on January 21, 2020. Copies of the proposed rulemaking can be obtained from the commission's website at https://www.tceq.texas.gov/rules/propose_adopt.html. For further information, please contact Kathy Ramirez, Water Availability Division, at (512) 239-6757.
